

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY MARCH 25, 2011

AMENDED IN ASSEMBLY JANUARY 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 25

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**Introduced by Assembly Member Hayashi**  
**(Coauthors: Assembly Members Buchanan, ~~Hill~~ Fong, Hill,**  
**Huffman, Ma, Nestande, John A. Pérez, and Smyth)**  
**(Coauthors: Senators Padilla, Steinberg, and Strickland)**

December 6, 2010

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An act to amend Sections 38131 and 38134 of, and to add Section 49475 to, the Education Code, relating to athletics.

### LEGISLATIVE COUNSEL'S DIGEST

AB 25, as amended, Hayashi. Athletics: concussions and head injuries.

(1) Existing law authorizes the governing board of a school district to grant the use of school facilities or grounds as a civic center for specified purposes, including supervised recreational activities. Existing law authorizes the governing board of a school district to authorize the use of any school facilities or grounds under its control, when an alternative location is not available, to nonprofit organizations, and clubs or associations organized to promote youth and school activities.

This bill would require any organization that uses school facilities or grounds for supervised recreational activities pursuant to these provisions to provide a statement of compliance with the policies for the management of concussion and head injury, as specified.

(2) Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These services include medical or hospital insurance for pupils injured while participating in athletic activities and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.

This bill would require a school district that elects to offer athletic programs to immediately remove from a school-sponsored athletic activity for the remainder of the day an athlete who is suspected of sustaining a concussion or head injury during that activity. The bill would prohibit the return of the athlete to that activity until he or she is evaluated by, and receives written clearance from, a licensed health care provider, as specified. The bill would require, on a yearly basis, a concussion and head injury information sheet to be signed and returned by the athlete and the athlete's parent or guardian prior to the athlete's initiating practice or competition. *These provisions would not apply to an athlete engaged in an athletic activity during the regular schoolday or as part of a physical education course, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 38131 of the Education Code is amended  
2     to read:  
3     38131. (a) There is a civic center at each and every public  
4     school facility and grounds within the state where the citizens,  
5     parent teacher associations, Camp Fire girls, Boy Scout troops,  
6     veterans' organizations, farmers' organizations, school-community  
7     advisory councils, senior citizens' organizations, clubs, and  
8     associations formed for recreational, educational, political,  
9     economic, artistic, or moral activities of the public school districts  
10    may engage in supervised recreational activities, and where they  
11    may meet and discuss, from time to time, as they may desire, any  
12    subjects and questions that in their judgment pertain to the  
13    educational, political, economic, artistic, and moral interests of  
14    the citizens of the communities in which they reside. For purposes  
15    of this section, "veterans' organizations" are those groups included

1 within the definition of that term as specified in subdivision (a) of  
2 Section 1800 of the Military and Veterans Code.

3 (b) The governing board of any school district may grant the  
4 use of school facilities or grounds as a civic center upon the terms  
5 and conditions the board deems proper, subject to the limitations,  
6 requirements, and restrictions set forth in this article, for any of  
7 the following purposes:

8 (1) Public, literary, scientific, recreational, educational, or public  
9 agency meetings.

10 (2) The discussion of matters of general or public interest.

11 (3) The conduct of religious services for temporary periods, on  
12 a one-time or renewable basis, by any church or religious  
13 organization that has no suitable meeting place for the conduct of  
14 the services, provided the governing board charges the church or  
15 religious organization using the school facilities or grounds a fee  
16 as specified in subdivision (d) of Section 38134.

17 (4) Child care or day care programs to provide supervision and  
18 activities for children of preschool and elementary schoolage.

19 (5) The administration of examinations for the selection of  
20 personnel or the instruction of precinct board members by public  
21 agencies.

22 (6) Supervised recreational activities, including, but not limited  
23 to, sports league activities for youths that are arranged for and  
24 supervised by entities, including religious organizations or  
25 churches, and in which youths may participate regardless of  
26 religious belief or denomination, provided that any group using  
27 the school facilities or grounds pursuant to this paragraph provides  
28 a statement of compliance with the policies for the management  
29 of concussion and head injury in athletics set forth in subdivisions  
30 ~~(a) and (b)~~ subdivision (a) of Section 49475.

31 (7) A community youth center.

32 (8) A ceremony, patriotic celebration, or related educational  
33 assembly conducted by a veterans' organization.

34 (9) Other purposes deemed appropriate by the governing board.

35 SEC. 2. Section 38134 of the Education Code is amended to  
36 read:

37 38134. (a) The governing board of any school district shall  
38 authorize the use of any school facilities or grounds under its  
39 control, when an alternative location is not available, to nonprofit

1 organizations, and *to* clubs or associations organized to promote  
2 youth and school activities, including, but not limited to:

3 (1) Girl Scouts, Boy Scouts, Camp Fire, Inc.

4 (2) Parent-teachers' associations.

5 (3) School-community advisory councils.

6 This subdivision shall not apply to any group that uses school  
7 facilities or grounds for fundraising activities that are not beneficial  
8 to youth or public school activities of the district, as determined  
9 by the governing board.

10 (b) Except as otherwise provided by law, the governing board  
11 may charge an amount not to exceed its direct costs for use of its  
12 school facilities. Each governing board that decides to levy these  
13 charges shall first adopt a policy specifying which activities shall  
14 be charged an amount not to exceed direct costs.

15 (c) The governing board of any school district may charge an  
16 amount not to exceed its direct costs for use of its school facilities  
17 by any entity, including a religious organization or church, that  
18 arranges for and supervises sports league activities for youths as  
19 described in paragraph (6) of subdivision (b) of Section 38131.

20 (d) The governing board of any school district that authorizes  
21 the use of school facilities or grounds for the purpose specified in  
22 paragraph (3) of subdivision (b) of Section 38131 shall charge the  
23 church or religious denomination an amount at least equal to the  
24 district's direct costs.

25 (e) In the case of entertainments or meetings where admission  
26 fees are charged or contributions are solicited and the net receipts  
27 are not expended for the welfare of the pupils of the district or for  
28 charitable purposes, a charge shall be levied for the use of school  
29 facilities or grounds which charge shall be equal to fair rental  
30 value.

31 (f) If any group activity results in the destruction of school  
32 property, the group may be charged for an amount necessary to  
33 repay the damages, and further use of facilities may be denied.

34 (g) As used in this section, "direct costs" to the district for the  
35 use of school facilities or grounds means those costs of supplies,  
36 utilities, janitorial services, services of any other district employees,  
37 and salaries paid school district employees necessitated by the  
38 organization's use of the school facilities and grounds of the  
39 district.

1 (h) As used in this section, “fair rental value” means the direct  
2 costs to the district, plus the amortized costs of the school facilities  
3 or grounds used for the duration of the activity authorized.

4 (i) Any school district authorizing the use of school facilities  
5 or grounds under subdivision (a) shall be liable for any injuries  
6 resulting from the negligence of the district in the ownership and  
7 maintenance of those facilities or grounds. Any group using school  
8 facilities or grounds under subdivision (a) shall be liable for any  
9 injuries resulting from the negligence of that group during the use  
10 of those facilities or grounds. The district and the group shall each  
11 bear the cost of insuring against its respective risks, and shall each  
12 bear the costs of defending itself against claims arising from those  
13 risks. ~~Any group using school facilities or grounds pursuant to~~  
14 ~~subdivision (a) for the purpose of any recreational activities~~  
15 ~~pursuant to paragraph (6) of subdivision (b) of Section 38131 shall~~  
16 ~~provide a statement of compliance with the policies for the~~  
17 ~~management of concussion and head injury set forth in subdivisions~~  
18 ~~(a) and (b) of Section 49475. Notwithstanding risks.~~  
19 *Notwithstanding any other provision of law, this subdivision shall*  
20 *not be waived. Nothing in this subdivision shall be construed to*  
21 *limit or affect the immunity or liability of a school district under*  
22 *Division 3.6 (commencing with Section 810) of Title 1 of the*  
23 *Government Code for injuries caused by a dangerous condition of*  
24 *public property.*

25 *(j) Any group using school facilities or grounds pursuant to*  
26 *subdivision (a) for the purpose of any recreational activities*  
27 *pursuant to paragraph (6) of subdivision (b) of Section 38131 shall*  
28 *provide a statement of compliance with the policies for the*  
29 *management of concussion and head injury set forth in subdivision*  
30 *(a) of Section 49475.*

31 SEC. 3. Section 49475 is added to the Education Code, to read:  
32 49475. (a) If a school district elects to offer an athletic  
33 program, the school district shall comply with both of the  
34 following:

35 (a)  
36 (1) An athlete who is suspected of sustaining a concussion or  
37 head injury in an athletic activity shall be immediately removed  
38 from the activity for the remainder of the day, and shall not be  
39 permitted to return to the activity until he or she is evaluated by a  
40 licensed health care provider, trained in the management of

1 concussions, acting within the scope of his or her practice. The  
2 athlete shall not be permitted to return to the activity until he or  
3 she receives written clearance to return to the activity from that  
4 licensed health care provider.

5 ~~(b)~~

6 (2) On a yearly basis, a concussion and head injury information  
7 sheet shall be signed and returned by the athlete and the athlete's  
8 parent or guardian prior to the athlete's initiating practice or  
9 competition.

10 *(b) This section does not apply to an athlete engaging in an*  
11 *athletic activity during the regular schoolday or as part of a*  
12 *physical education course required pursuant to subdivision (d) of*  
13 *Section 51220.*

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